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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,658	02/27/2004	Rodney W. Hoskins	7004/P9078	9184

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EXAMINER	
YOUNG, JANELLE N	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,658	HOSKINS, RODNEY W.	
	Examiner	Art Unit	
	Janelle N. Young	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "**said**," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: The disclosure is objected to because of the following informalities: the word “samping” (page 16, line 14) is misspelled the word should read “sampling”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin (US Patent 4788543).

As for claim 1, Rubin teaches a programmable communications receiver having multi-level priority sampling including (Abstract; Col. 1, lines 10-14 & 54-56; and Col. 2, lines 15-18 of Rubin):

a plurality of memory registers each register having a unique memory location and at least two of the memory registers having priority levels associated therewith, said priority levels being ranked whereby one priority level defines a higher priority than another (Col. 2, line 45-Col. 3, line 16 of Rubin);

frequency entry means whereby a user may selectively enter frequencies into each of the memory registers according to the designation and priority level thereof (Col. 4, line 32-Col. 5, line 2 and Col. 6, line 30-Col. 7, line 6 of Rubin);

control means for periodically switching the receiver to each priority frequency programmed into the memory registers in response to a predetermined sequence, the control means including means for maintaining the receiver on any frequency in response to a presence of signal from a detector

means (Abstract; Col. 4, lines 32-54; Col. 6, line 30-Col. 7, line 6; and Col. 7, lines 32-36 of Rubin);

means for detecting the presence of a signal on a frequency to which the control means has switched the receiver whereby the control means maintains the receiver on the switched frequency when the presence of a signal is detected (Abstract; Col. 2, lines 15-44; Col. 3, lines 17-35; and Col. 4, lines 32-54 of Rubin); and

the predetermined sequence including the continued periodic switching of the receiver to all designated frequencies having priority rankings higher than any frequency to which the control means is maintaining the receiver, the control means maintaining the receiver on any such higher priority frequency in response to a presence of signal from the detector means associated with such higher priority frequency whereby the receiver may monitor activity on multiple level frequencies substantially instantaneously switching the receiver to, and maintaining a listening watch on, the highest priority frequency currently in use (Abstract; Col. 1, lines 9-14; Col. 2, line 15-Col. 3, line 16; Col. 6, lines 4-27; Col. 6, line 30-Col. 7, line 6; and Col. 7, lines 28-48 of Rubin).

As for claim 2, Rubin teaches a programmable communications receiver having multi-level priority sampling including:

a broadcast receiver (Col. 3, lines 17-19 of Rubin) and the keyboard; which reads on claimed frequency entry means, including means whereby the user may enter a broadcast frequency to which the receiver shall be tuned until

otherwise interrupted by the presence of a signal on one of the multiple level priority communications frequency (Col. 3, lines 36-49; Col. 4, line 32-Col. 5, line 2; and Col. 7, lines 26-27 of Rubin).

As for claim 5, Rubin teaches a programmable communications receiver having multi-level priority sampling including means for blocking the receiver speaker and headphone audio during each periodic interval where the control means is sampling priority frequencies according to the predetermined sequence by correspondingly momentarily switching the communications receiver to each such frequency whereby such sampling does not significantly distract from reception on another active communications receiver frequency (Col. 4, lines 32-48 and Col. 6, line 16-Col. 7, line 6 of Rubin).

As for claim 7, Rubin teaches a programmable communications receiver having multi-level priority sampling wherein one designated frequency is assigned a high level of priority and wherein the remaining designated channels are assigned an identical lower priority whereby when any of the lower equal level priority channels is active, the control means shall, according to the predetermined sequence, only periodically switch to the single high level frequency to determine whether such frequency is active and to maintain the receiver on said higher priority frequency if it is (Abstract; Col. 2, line 62-Col. 3, line 5; and Col. 6, line 4-Col. 7, line 62 of Rubin).

As for claim 8, Rubin teaches a programmable communications receiver having multi-level priority sampling in which the predetermined sequence checks for activity on the higher priority channels more frequently than the lower priority channels, whereby

user attention to activity on the highest such channel is further assured by such more frequent check for activity thereon (Abstract; Col. 4, line 55-Col. 5, line 56; and Col. 6, line 4-Col. 7, line 62 of Rubin).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-4 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin (US Patent 4788543) as applied to claim 1 above, and further in view of Englert et al. (US Patent 5247703).

As for claim 3, Rubin teaches a programmable communications receiver having multi-level priority sampling including (Abstract; Col. 1, lines 10-14 & 54-56; and Col. 2, lines 15-18 of Rubin).

What Rubin does not explicitly teach is the scanner means and display means.

However Englert et al. teaches a computing system a scanner means whereby one of the communications and broadcast receivers is automatically switched by the control means sequentially to each frequency defined within a range for frequencies, means for pausing the sequential switching in response to a signal present from the detect means, the control means continuing to periodically switch the communications receiver according to the predetermined sequence whereby the communications or

broadcast scanning shall be interrupted by the presence of a signal on one of the multiple priority communications frequency (Abstract; Col. 1, lines 5-10 & 40-56; Col. 2, line 40-Col. 3, line 9; and Col. 6, lines 16-39 of Englert et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a radio communications apparatus that may both receive and transmit radio frequency ("RF") signals and that can scan a plurality of channels over a predetermined sequence, as taught by Englert et al., in the priority rated messages on a channel shared by a multiplicity of similar transceivers of Rubin, because Rubin already teaches transceiver in a system of multiple transceivers has a transmitter section and a receiver section arranged to perform the functions broadcasting (Abstract and Col. 1, lines 9-14 of Rubin).

The motivation of this combination would be the effect of the broadcasting priority rated messages on a radio communications channel of a multiple transceiver system, as taught by Rubin in Col. 1, lines 9-14, because it is necessary that channels be clear and free from any communication signals in order for a message to be sent by any one transceiver to any one or more other transceivers. Digital technologies technology; such as CDMA, has the potential to relieve the problems of analog technology; such as static, loss/interruption of signal when passing through cells, and failure to get a connection because of congestion (Col. 1, lines 41-54 of Englert et al.). The incorporation of both transceivers would minimize waiting time for a transceiver to access a communication channel assigned to a multiple transceiver system and an operator could transmit over the priority channel quickly without reaching to the main unit to adjust the manual

controls or waiting for the transceiver to scan to priority channel (Col. 2, lines 21-37 of Englert et al.).

As for claim 4, Rubin teaches a programmable communications receiver having multi-level priority sampling, whereby the periodic switching of the communications receiver according to the predetermined sequence is conducted in the background whereby no interruption to reception of broadcast signals occurs unless the presence of a signal is detected on one of the communications priority frequency (Abstract; Col. 1, lines 63-67; Col. 3, lines 17-35; and Col. 49-59 of Rubin).

As for claim 6, Englert et al. teaches a programmable communications receiver having multi-level priority sampling including display means operatively interconnected to the control means and frequency entry means to allow the user to view the frequency being entered and the identity and priority of the designated frequency and to view which of said designated frequencies is active when the receiver is being maintained on an active priority frequency and to view the priority level thereof (Col. 4, lines 61-67; Col. 5, lines 1-9; Col. 6, lines 30-39; Col. 7, lines 1-19; and Col. 10, lines 4-24 of Englert et al.).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
September 6, 2006

Quochien B. Vuong 9/18/06

QUOCHIEN B. VUONG
PRIMARY EXAMINER